

FEE APPLICATION COVER SHEET

Final Application of Lain, Faulkner & Co., P.C.

for the period from June 1, 2024 through October 8, 2024

Capacity: Accountants for the Chapter 7 Trustee Chapter: 7

Debtor/Case: In re: Jerome Albert Grisaffi; Case No. 19-33855-sgj7

Retainer Received: \$0.00 Amount Previously Paid: \$0.00

Amount Requested:

Fees: \$3,416.00

Expenses: \$11.60

Other: \$0.00

Reductions:

Vol. Fee Reduction: \$0.00

Expense Reduction: \$0.00

Total Reductions: \$0.00

Total Amount Requested: \$3,427.60

Expenses:

Copies (\$.20/page): \$0.00

Postage/Overnight Delivery: \$0.00

Hourly Rates:

Professional

Staff

Highest Rates:

\$440.00

\$250.00

Total Hours Billed:

3.10

8.30

Amounts Billed:

\$1,364.00

\$2,052.00

Average Hourly Rate:

\$440.00

\$247.23

Overall Blended Hourly Rate:

\$299.65

/s/ Dean Bielitz
Signature

10/11/2024
Date

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

IN RE:

JEROME ALBERT GRISAFFI,

DEBTOR.

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CASE NO. 19-33855-sgj7

**FINAL APPLICATION FOR ALLOWANCE OF FEES AND EXPENSES OF
LAIN, FAULKNER & CO, PC., ACCOUNTANTS FOR CHAPTER 7 TRUSTEE**

NO HEARING WILL BE CONDUCTED HEREON UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AT EARLE CABELL FEDERAL BUILDING, 1100 COMMERCE ST., DALLAS, TX 75242 BEFORE THE CLOSE OF BUSINESS ON NOVEMBER 20, 2024 WHICH IS AT LEAST 21 DAYS FROM THE DATE OF SERVICE HEREOF.

ANY RESPONSE SHALL BE IN WRITING AND FILED WITH THE CLERK, AND A COPY MUST BE SERVED UPON COUNSEL FOR THE MOVING PARTY PRIOR TO THE DATE AND TIME SET FORTH HEREIN. IF A RESPONSE IS FILED, A HEARING WILL BE HELD WITH NOTICE ONLY TO THE OBJECTING PARTY.

IF NO HEARING ON SUCH NOTICE OR MOTION IS TIMELY REQUESTED, THE RELIEF REQUESTED SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT OR THE NOTICED ACTION MAY BE TAKEN.

TO THE HONORABLE STACEY G. C. JERNIGAN, CHIEF UNITED STATES
BANKRUPTCY JUDGE:

LAIN, FAULKNER & CO., P.C. (“**LainFaulkner**” or “**Applicant**”), accountants to Areya Holder Aurzada, Chapter 7 Trustee (the “**Trustee**”), files its Final Application for Allowance of Fees and Expenses (the “**Application**”), and would respectfully show the Court as follows:

I. EMPLOYMENT AND PRIOR COMPENSATION

1. This Court has jurisdiction over the subject matter of this Application pursuant to the provisions of 28 U.S.C. § 1334 and § 157. This matter is a core proceeding pursuant to 28

U.S.C. § 157(b)(2)(A). This Application is filed pursuant to 11 U.S.C. §§ 330, 331 and 503(b)(2) and Rule 2016 of the Federal Rules of Bankruptcy Procedure.

2. On November 19, 2019, Jerome Albert Grisaffi (the “**Debtor**”) filed a voluntary petition for relief under Chapter 7 of Title 11 of the United States Code (the “**Bankruptcy Code**”) in the Northern District of Texas, Dallas Division, Case No. 19-33855. On April 16, 2020, this Court entered an order converting the case to chapter 7. Diane G. Reed was initially appointed as trustee, but she resigned on February 27, 2024. Areya Holder Aurzada was then appointed as the chapter 7 trustee, and she continues to serve in that capacity.

3. On June 3, 2024, the Trustee filed an Application to Employ Lain, Faulkner & Co., P.C. as Accountants for the Chapter 7 Trustee (Dkt. No. 183). On June 27, 2024, this Court entered an order (Dkt. No. 189) approving the Trustee’s employment of LainFaulkner.

4. Applicant has not requested or received any fees or expenses for services provided to the bankruptcy estate in this case. No agreement exists between Applicant and any other person for the sharing of compensation to be received for services rendered in connection with this case, except that such compensation will be shared among directors and staff of Applicant.

5. This Application covers June 1, 2024 through October 8, 2024 (the “**Application Period**”). The Trustee currently holds approximately \$75,000.00 in this bankruptcy estate.

II. FEES AND EXPENSES

6. During the Application Period, Applicant has provided professional accounting and financial consulting services to the Trustee and, pursuant to § 330 of the United States Bankruptcy Code and Rule 2016 of the Federal Rules of Bankruptcy Procedure, makes this Application for the award of reasonable compensation and reimbursement of reasonable and

necessary out-of-pocket expenses.

7. During the Application Period, Applicant incurred fees in the aggregate amount of \$3,416.00 and expenses in the aggregate amount of \$11.60 for a total of \$3,427.60.

8. Following is a billing summary showing the hours and total compensation aggregated and itemized as to each professional and staff member who provided compensable services:

PROFESSIONAL	HOURLY RATE	HOURS BILLED	AMOUNT BILLED
Dean Bielitz	\$440.00	3.10	1,364.00
Laura Paz-Sanchez	\$250.00	8.10	2,025.00
Janice Oden	\$135.00	0.20	27.00
TOTAL		11.40	\$3,416.00

9. **Exhibit “A”** which is attached and incorporated into this Application, conveys the following information for the time period covered by this Application: (a) the number of hours worked by each CPA and staff member on a particular day; (b) the manner and type of work performed by each CPA and staff member; (c) the customary billing rate for each person rendering service in this matter; (d) the monetary value assigned to each task performed by a given CPA and/or staff member; and (e) the amount and description for all expenses for which Applicant seeks reimbursement.

10. All photocopies included in this Application were billed at \$0.20 per page, and all other expenses were billed at the actual cost.

11. Applicant has included in Exhibit “A” a summary and detailed itemization of actual and necessary expenses incurred by Applicant for which reimbursement is sought. Applicant represents that such expenses are reasonable, economical and customarily charged to

non-bankruptcy clients. Applicant further represents that requested expenses adhere to allowable rates for expenses as fixed by federal and local guidelines or order of the Court.

III. APPLICATION OF STANDARD FACTORS

12. The Fifth Circuit Court of Appeals has enumerated certain factors which should be considered in awarding compensation to professionals. *See First Colonial Corp. v. American Benefit Life Insurance Company*, 544 F.2d 1291 (5th Cir. 1977), *cert. denied*, 431 U.S. 904 (1977); *Lawler v. Teofan, et al*, 807 F.2d 1207 (5th Cir. 1987); *See also* 11 U.S.C. § 330.

Consideration of these factors follows:

- a. Time and Labor Required. Since its appointment, Applicant has committed the necessary time and effort on behalf of Trustee to assist her in fulfilling her fiduciary responsibilities in this proceeding. During the Application Period, a total of 11.40 hours were incurred by Applicant on behalf of the Trustee and the Estate totaling \$3,416.00. The hours spent, the fees and expenses incurred by Applicant are detailed out in **Exhibit "A"** and Applicant requests approval of the total amount.
- b. Novelty and Difficulty of the Questions. The issues that Applicant encountered serving as accountant for Trustee and the bankruptcy estate during this Application Period have been of a complex and specialized nature, requiring advanced skills and knowledge in bankruptcy accounting, tax reporting, and financial analysis, in order to obtain results useful to Trustee and beneficial to the bankruptcy estate.
- c. Skill Requisite to Perform the Services Properly. Applicant's firm has members who are specialized in various facets of bankruptcy matters and tax accounting. Due to their expertise and skill in these specialized areas, Applicant believes far more time would have been expended by less experienced personnel, with considerably less desirable result. The professionals and staff members of Applicant who worked on this case is as follows:

(i) Dean Bielitz, CPA/Director (\$440.00 per hour) has over 30 years of experience in the preparation of Corporate, Partnership, MLP, Individual, S-Corporate and Trust tax returns.

(ii) Laura Paz-Sanchez, Staff Accountant (\$250.00 per hour) has over 10 years of experience in assisting with the preparation of all federal and state tax reporting.

(iii) Janice Oden, Administrative Assistant (\$135.00 per hour), has over 25 years of experience as an administrative assistant, supporting the firm's directors in all areas of bankruptcy, litigation and forensic services.

- d. Exclusion of Other Employment. Applicant does not believe that this is or should be a significant factor in the consideration of this Application.
- e. Customary Fees. The fees for which Applicant has applied herein are within the customary fees awarded in other proceedings for similar services rendered and results obtained.
- f. Whether the Fee is Fixed or Contingent. Applicant's fee in this proceeding is fixed at its standard hourly rates and is not contingent upon results achieved or the ultimate availability of funds for the payment of the fees by the bankruptcy estate. Applicant concedes that fees in bankruptcy cases are contingent on success of the case as well as being subject to scrutiny by this Court.
- g. Time Limitations. Applicant believes that its role in this case has, to date, been handled in an expeditious manner, given the factual circumstances involved and the complex issues confronted. Applicant further believes that no undue delays have occurred and that it has proceeded expeditiously and efficiently to the benefit of Trustee, the creditors, and all other parties-in-interest.
- h. The Amount Involved and Results Obtained. Applicant's work and effort in assisting Trustee in this case has been both necessary and beneficial to the bankruptcy estate and administration of the case. Applicant's efforts and associated benefits to the bankruptcy estate include assisting Trustee in complying with federal and state income tax filing requirements for the bankruptcy estate and providing further financial analysis to enable Trustee to fulfill her fiduciary responsibilities in this case.
- i. Experience, Reputation and Ability of Applicant. Applicant submits that its accountants and other staff personnel are respected for their ability in accounting, particularly in regard to bankruptcy situations. Applicant has been retained in various Chapter 7 proceedings by various Chapter 7 trustees.

- j. Undesirability of the Case. Applicant does not believe that this is or should be a significant factor in the consideration of this Application. Applicant does not believe that this case was undesirable during the Application Period.
 - k. The Nature and Length of the Professional Relationship with the Client. Prior to Applicant's engagement by Trustee, Applicant had not performed services for the Debtors or any related entities. Applicant has performed accounting services in numerous other bankruptcies, some of which also may have involved Trustee, certain creditors and attorneys involved in this case.
 - l. Awards in Similar Cases. Applicant believes that the services rendered as accountant for Trustee have substantially benefited the bankruptcy estate and its creditors, and that such services are of a reasonable value. Applicant further represents that the fees applied for are in conformity with fees allowed in similar proceedings for similar services rendered and results obtained. Applicant respectfully requests that the Court take judicial notice of the awards that have been made in similar proceedings in this Court and other bankruptcy courts in the State of Texas.
13. Applicant represents that to the best of Applicant's knowledge, information and belief, formed after reasonable inquiry, the compensation and expense reimbursement sought is in conformity with the guidelines for compensation and expense reimbursement of professionals adopted in the United States Bankruptcy Court for the Northern District of Texas. Furthermore, the compensation and expense reimbursement requested in this Application are billed at rates, in accordance with practices no more favorable than those customarily employed by Applicant and generally accepted by Applicant's clients.

IV. PRAYER FOR RELIEF

WHEREFORE, the Applicant respectfully prays that the Court (1) allow on a final basis reasonable compensation for professional services rendered during the Application Period in the total sum of \$3,416.00; (2) allow on a final basis reasonable expenses incurred during the Application Period totaling \$11.60; (3) authorize payment of those allowed fees in the total amount

of \$3,427.60; and (4) grant the Applicant such other and further relief, general or special, at law or in equity, to which it may be justly entitled.

Respectfully submitted,

/s/ Dean Bielitz

Dean Bielitz
Lain, Faulkner & Co, P.C.
400 N. St. Paul St., Suite 600
Dallas, TX 75201
Phone: (214) 720-1929
Fax: (214) 720-1450
ACCOUNTANTS FOR THE CHAPTER 7 TRUSTEE

PROFESSIONAL CERTIFICATION

I hereby certify (a) that I am the professional with responsibility to verify compliance with the Guidelines for Compensation and Expense Reimbursement of Professionals as promulgated in the United States Bankruptcy Court for the Northern District of Texas ("Guidelines"); (b) I have read the Application; (c) to the best of my knowledge, information and belief, formed after reasonable inquiry, the compensation and expense reimbursement sought is in conformity with the Guidelines; and (d) the compensation and expense reimbursement requested are billed at rates, in accordance with practices, no less favorable than those customarily employed by LainFaulkner and generally accepted by LainFaulkner's clients.

/s/ Dean Bielitz

Dean Bielitz

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served concurrently with filing by ECF upon all persons who have filed ECF appearances in this case, including the Office of the United States Trustee.

/s/ Kenneth A. Hill

Kenneth A. Hill

Jerome Albert Grisaffi
c/o Areya Holder, Chapter 7 Trustee
PO Box 2105
Addison, TX 75001-2105

Invoice Period: 06-01-2024 - 10-08-2024

RE: JG2073 - Jerome Albert Grisaffi

Time Details

Date	Staff Member	Description	Hours	Rate	Amount
<u>Employment/Fee Application</u>					
06-03-2024	Dean Bielitz	Received and reviewed "filed" copy of employment application.	0.20	440.00	88.00
10-08-2024	Janice Oden	Began preparation on this final fee application.	0.20	135.00	27.00
			0.40		115.00
<u>Tax Services - Accounting Analysis for Tax Services</u>					
09-20-2024	Laura Paz-Sanchez	Commenced analyzing the Form 2 and financials in preparation for the Final 2023 Form 1041.	0.90	250.00	225.00
			0.90		225.00
<u>Tax Services - Federal Income Tax Return</u>					
07-19-2024	Laura Paz-Sanchez	Reviewed emails from Areya Holder and Ken Hill regarding preparation of bankruptcy estate return; incorporated prior year tax return in tax file.	0.50	250.00	125.00
08-07-2024	Laura Paz-Sanchez	Reviewed available documents in preparation of the federal tax return.	1.20	250.00	300.00
08-08-2024	Laura Paz-Sanchez	Tax compliance meeting to discuss preparation of tax return and available documents; contacted Trustee's office to request Forms 1 and 2.	0.50	250.00	125.00
08-14-2024	Laura Paz-Sanchez	Received, reviewed and archived the proposed distribution from Trustee's office.	0.20	250.00	50.00
08-28-2024	Laura Paz-Sanchez	Incorporated and compiled court documents in master tax file.	0.50	250.00	125.00
09-20-2024	Laura Paz-Sanchez	Set up the client in tax software in preparation of federal tax return.	0.70	250.00	175.00
09-20-2024	Laura Paz-Sanchez	Prepared the FINAL 2024 Form 1041 and Form 1040; generated copy for initial review.	1.60	250.00	400.00
09-20-2024	Laura Paz-Sanchez	Prepared transmittal letters to all taxing authorities and the Trustee; prepared bankruptcy statement attached to return.	1.00	250.00	250.00
09-23-2024	Laura Paz-Sanchez	Processed for transmittal to the Trustee for signature and further processing the FINAL 2024 Form	1.00	250.00	250.00

400 North St. Paul Suite 600 Dallas Texas 75201 (214) 720-1929

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Date	Staff Member	Description	Hours	Rate	Amount
<u>Tax Services - Federal Income Tax Return</u>					
		1041/1040; documented tax file.			
09-23-2024	Dean Bielitz	Reviewed federal tax return and returned to Laura Paz for further processing.	0.70	440.00	308.00
			7.90		2,108.00
<u>Tax Services - Other Tax Services</u>					
07-19-2024	Dean Bielitz	Received and reviewed documents of stock sale from Ken Hill.	0.50	440.00	220.00
08-08-2024	Dean Bielitz	Discussed stock sales with Laura Paz and commenced preparation of the tax returns.	0.50	440.00	220.00
09-20-2024	Dean Bielitz	Calculated basis of stock sold in 2024.	1.20	440.00	528.00
			2.20		968.00
		Total			3,416.00

Time Summary

Staff Member	Hours	Rate	Amount
Dean Bielitz	3.10	440.00	1,364.00
Janice Oden	0.20	135.00	27.00
Laura Paz-Sanchez	8.10	250.00	2,025.00
Total	11.40		3,416.00
Activity	Hours	Rate	Amount
Employment/Fee Application	0.40	287.50	115.00
Tax Services - Accounting Analysis for Tax Services	0.90	250.00	225.00
Tax Services - Federal Income Tax Return	7.90	266.84	2,108.00
Tax Services - Other Tax Services	2.20	440.00	968.00
		Total Fees	3,416.00

Expenses

Expense	Description	Amount
Copies	Sept copies	11.60
	Total Expenses	11.60

Expense Summary

Expense	Amount
Copies	11.60
Total Expenses	11.60
Total for this Invoice	3,427.60

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

IN RE:

JEROME ALBERT GRISAFFI,

DEBTOR.

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CASE NO. 19-33855-sgj7

**ORDER GRANTING FINAL APPLICATION FOR ALLOWANCE
OF FEES AND EXPENSES OF LAIN, FAULKNER & CO., P.C.,
ACCOUNTANTS FOR THE CHAPTER 7 TRUSTEE**

On this date, the Court considered the *Final Application for Allowance of Fees and Expenses of Lain, Faulkner & Co., P.C., Accountants for Chapter 7 Trustee* (the “Application”) filed on behalf of Lain, Faulkner & Co., P.C. This Court finds that the Application has been properly served and no objection to the Application has been filed or asserted by any creditor or party in interest. This Court, having considered such Application and finding that the requirements of 11 U.S.C. § 330 have been satisfied and that the *First Colonial* factors have also been satisfied, is of the opinion that such Application should be granted. It is therefore,

ORDERED that Lain, Faulkner & Co., P.C., be and is hereby awarded the sum of **\$3,427.60**, which is comprised of \$3,416.00 for professional fees and \$11.60 in expenses incurred from June 1, 2024 through October 8, 2024 (the “Application Period”) on a final basis; it is further

ORDERED that the Trustee is authorized to pay Lain, Faulkner & Co., P.C. from funds in the estate the amount of **\$3,427.60** immediately for those fees and expenses incurred during the Application Period.

###END OF ORDER###

Submitted by:
Kenneth A. Hill
Quilling, Selander, Lownds,
Winslett & Moser, P.C.
2001 Bryan Street, Suite 1800
Dallas, Texas 75201
ATTORNEYS FOR THE TRUSTEE